

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if multiple names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Maize Defense-Inducible Genes and Their Use**

the specification of which (check one)

is attached hereto

was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was  
amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b), of any foreign application(s) for patent or inventor's certificate, or under Title 35, United States Code, §365(a), of any PCT international application which designated at least one country other than the United States of America, listed below; and I have also identified below any related foreign application for patent or inventor's certificate, or any related PCT International application, having a filing date before that of the application on which priority is claimed.

NUMBER	COUNTRY	MM/DD/YYYY FILED	PRIORITY CLAIMED	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

APPLICATION SERIAL NO.	MM/DD/YYYY FILED
60/243,120	10/25/2000

I hereby claim the benefit under Title 35, United States Code §120, of any United States application(s) or under Title 35, United States Code §365(c), of any PCT international application designating the United States of America listed below:

APPLICATION SERIAL NO.	MM/DD/YYYY FILED	STATUS PATENTED/PENDING/ABANDONED
10/027,559	10/23/2001	Pending

and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application (37 C.F.R. § 1.56(e)).

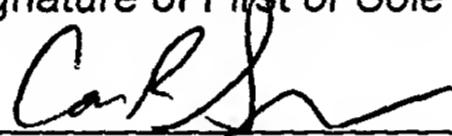
As a named inventor, I hereby appoint as my attorneys and agents, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Debra L. Blair	Registration No. 39,112
Karen Moon Bruce	Registration No. 42,366
Steven J. Callistein	Registration No. 43,525
Amy L. Cigan	Registration No. 45,494
Virginia Dress	Registration No. 48,243
Louise A. Foutch	Registration No. 37,133
Kim M. Hagemann	Registration No. 52,982
Kathryn K. Lappegard	Registration No. 46,857
Marianne H. Michel	Registration No. 35,286
David B. Ran	Registration No. 38,589
Janice L. Rouse	Registration No. 52,183
Karen K. Varley	Registration No. 45,751
Claire L. Moxon	Limited Recognition Under 37 CFR §10.9(b) (submitted herewith)

Address all correspondence to: **Customer Number 27310.**

Direct telephone calls to: **Claire L. Moxon**  
**(515) 253-2162**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor <b>Carl R. Simmons</b>	Signature of First or Sole Inventor 	Date <b>8/27/03</b>
Residence Address <b>Des Moines, Iowa</b>	Country of Citizenship <b>United States of America</b>	
Post Office Address <b>4228 Holland Drive, Des Moines, IA 50310</b>		

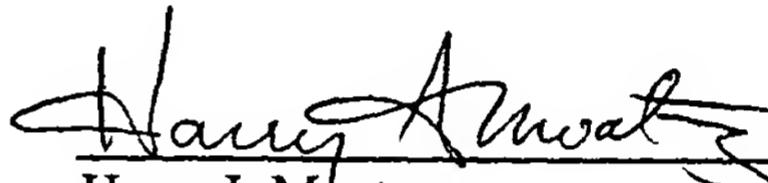
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATE PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Claire L. Moxon is hereby given limited recognition under 37 CFR § 10.9(b), as an employee of Pioneer Hi-Bred Int'l, Inc., to prepare and prosecute patent applications wherein Pioneer Hi-Bred Int'l, Inc. is the assignee of record of the entire interest. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Claire L. Moxon ceases to lawfully reside in the United States, (ii) Claire L. Moxon's employment with Pioneer Hi-Bred Int'l, Inc., ceases or is terminated, or (iii) Claire L. Moxon ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such limited recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: June 6, 2004

  
\_\_\_\_\_  
Harry I. Moatz  
Director of Enrollment and Discipline